

# House File 2748 - Enrolled

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HOUSE FILE 2748

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1 3 AN ACT  
1 4 PROVIDING FOR THE RETENTION OF FEES BY LICENSING BOARDS, AND  
1 5 THE BUREAU OF RADIOLOGICAL HEALTH, UNDER THE PURVIEW OF  
1 6 THE IOWA DEPARTMENT OF PUBLIC HEALTH, PROVIDING FOR THE  
1 7 NONTRANSFERABILITY OF SPECIFIED FEES, AND PROVIDING  
1 8 EFFECTIVE DATES.  
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1 10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
1 11  
1 12 Section 1. Section 136C.10, Code Supplement 2005, is  
1 13 amended to read as follows:  
1 14 136C.10 FEES.  
1 15 1. a. The department shall establish and collect fees for  
1 16 the licensing and amendment of licenses for radioactive  
1 17 materials, the registration of radiation machines, the  
1 18 periodic inspection of radiation machines and radioactive  
1 19 materials, and the implementation of section 136C.3,  
1 20 subsection 2. Fees shall be in amounts sufficient to defray  
1 21 the cost of administering this chapter. The license fee may  
1 22 include the cost of environmental surveillance activities to  
1 23 assess the radiological impact of activities conducted by  
1 24 licensees.  
1 25 ~~b. Fees collected shall be remitted to the treasurer of~~  
1 26 ~~state who shall deposit the funds in the general fund of the~~  
1 27 ~~state. However, the fees collected from the licensing,~~  
1 28 ~~registration, authorization, accreditation, and inspection of~~  
1 29 ~~radiation machines used for mammographically guided breast~~  
1 30 ~~biopsy, screening, and diagnostic mammography shall be used to~~  
1 31 ~~support the department's administration of this chapter and~~  
1 32 ~~the fees collected shall be considered repayment receipts, as~~  
1 33 ~~defined in section 8.2.~~  
1 34 ~~c. b.~~ When a registrant or licensee fails to pay the  
1 35 applicable fee the department may suspend or revoke the  
2 1 registration or license or may issue an appropriate order.  
2 2 Fees for the license, amendment of a license, and inspection  
2 3 of radioactive material shall not exceed the fees prescribed  
2 4 by the United States nuclear regulatory commission.  
2 5 2. The department may establish and collect a fee related  
2 6 to transporting radioactive material if the fee is used for a  
2 7 purpose related to transporting radioactive material,  
2 8 including enforcement and planning, developing, and  
2 9 maintaining a capability for emergency response. The fees  
2 10 shall be established by rules adopted pursuant to chapter 17A-  
2 11 ~~and shall be deposited into a special fund within the state~~  
2 12 ~~treasury under the exclusive authority of the department.~~  
2 13 ~~Amounts deposited in the special fund shall be considered~~  
2 14 ~~repayment receipts as defined in section 8.2, and shall not be~~  
2 15 ~~transferred, used, obligated, appropriated, or otherwise~~  
2 16 ~~encumbered except as provided in this section. Repayment~~  
2 17 ~~receipts collected and deposited pursuant to this section that~~  
2 18 ~~remain unencumbered or unobligated at the close of the fiscal~~  
2 19 ~~year shall not revert but shall remain available for~~  
2 20 ~~expenditure for the purposes designated in future fiscal~~  
2 21 ~~years.~~  
2 22 3. The department may establish and collect fees from  
2 23 persons providing mammography services to assure compliance  
2 24 with applicable rules and the federal Mammography Quality  
2 25 Standards Act of 1992, Pub. L. No. 102-539, as amended. Fees  
2 26 shall be in an amount determined by the department by rule and  
2 27 all fees collected shall be used to support the department's  
2 28 mammography program.  
2 29 4. Fees collected pursuant to this section shall be  
2 30 retained by the department, shall be considered repayment  
2 31 receipts as defined in section 8.2, and shall be used for the  
2 32 purposes described in this section, including but not limited  
2 33 to the addition of full-time equivalent positions for program  
2 34 services and investigations. Notwithstanding section 8.33,  
2 35 moneys retained by the department pursuant to this subsection  
3 1 are not subject to reversion to the general fund of the state.  
3 2 Sec. 2. Section 144.13A, subsection 4, paragraph a, Code  
3 3 Supplement 2005, is amended by striking the paragraph and

3 4 inserting in lieu thereof the following:  
3 5 a. Ten dollars of each registration fee is appropriated  
3 6 and shall be used for primary and secondary child abuse  
3 7 prevention programs pursuant to section 235A.1, and ten  
3 8 dollars of each registration fee is appropriated and shall be  
3 9 used for the center for congenital and inherited disorders  
3 10 central registry established pursuant to section 136A.6.  
3 11 Notwithstanding section 8.33, moneys appropriated in this  
3 12 paragraph that remain unencumbered or unobligated at the close  
3 13 of the fiscal year shall not revert but shall remain available  
3 14 for expenditure for the purposes designated until the close of  
3 15 the succeeding fiscal year, and shall not be transferred,  
3 16 used, obligated, appropriated, or otherwise encumbered except  
3 17 as provided in this paragraph.  
3 18 Sec. 3. Section 147.13, Code Supplement 2005, is amended  
3 19 by adding the following new subsections:  
3 20 NEW SUBSECTION. 22. For hearing aids, hearing aid  
3 21 dispenser examiners.  
3 22 NEW SUBSECTION. 23. For nursing home administrators,  
3 23 nursing home administrators examiners.  
3 24 Sec. 4. Section 147.25, unnumbered paragraph 4, Code 2005,  
3 25 is amended to read as follows:  
3 26 In addition to any other fee provided by law, a fee may be  
3 27 set by the respective examining boards for each license and  
3 28 renewal of a license to practice a profession, which fee shall  
3 29 be based on the annual cost of collecting information for use  
3 30 by the department in the administration of the system of  
3 31 health personnel statistics established by this section. The  
3 32 fee shall be collected, ~~transmitted to the treasurer of state~~  
3 33 ~~and deposited in the general fund of the state in the manner~~  
3 34 ~~in which license and renewal fees of the respective~~  
3 35 ~~professions are collected, transmitted, and deposited in the~~  
4 1 ~~general fund retained by the respective examining boards in~~  
4 2 ~~the manner in which license and renewal fees are retained in~~  
4 3 ~~section 147.82.~~  
4 4 Sec. 5. Section 147.80, Code Supplement 2005, is amended  
4 5 by adding the following new subsections:  
4 6 NEW SUBSECTION. 29A. License to practice hearing aid  
4 7 dispensing, license to practice hearing aid dispensing under a  
4 8 reciprocal license, or renewal of a license to practice  
4 9 hearing aid dispensing.  
4 10 NEW SUBSECTION. 29B. License to practice nursing home  
4 11 administration, license to practice nursing home  
4 12 administration under a reciprocal license, or renewal of a  
4 13 license to practice nursing home administration.  
4 14 Sec. 6. Section 147.82, Code Supplement 2005, is amended  
4 15 by striking the section and inserting in lieu thereof the  
4 16 following:  
4 17 147.82 FEES.  
4 18 All fees collected by an examining board listed in section  
4 19 147.80 or by the department for the bureau of professional  
4 20 licensure, and fees collected pursuant to sections 124.301 and  
4 21 147.80 and chapter 155A by the board of pharmacy, shall be  
4 22 retained by each examining board or by the department for the  
4 23 bureau of professional licensure. The moneys retained by an  
4 24 examining board shall be used for any of the board's duties,  
4 25 including but not limited to the addition of full-time  
4 26 equivalent positions for program services and investigations.  
4 27 Revenues retained by an examining board pursuant to this  
4 28 section shall be considered repayment receipts as defined in  
4 29 section 8.2. Notwithstanding section 8.33, moneys retained by  
4 30 an examining board pursuant to this section are not subject to  
4 31 reversion to the general fund of the state.  
4 32 Sec. 7. Section 147.103A, subsection 4, Code 2005, is  
4 33 amended to read as follows:  
4 34 4. Applications for a license shall be made to the  
4 35 chairperson, executive director, or secretary of the board.  
5 1 All examination, license, and renewal fees shall be paid to  
5 2 and collected by the chairperson, executive director, or  
5 3 secretary of the board, ~~who shall transmit the fees to the~~  
5 4 ~~treasurer of state for deposit in the general fund of the~~  
5 5 ~~state.~~ The salary of the executive director of the board  
5 6 shall be established by the governor with approval of the  
5 7 executive council pursuant to section 8A.413, subsection 2,  
5 8 under the pay plan for exempt positions in the executive  
5 9 branch of government.  
5 10 Sec. 8. Section 152.3, subsection 2, Code 2005, is amended  
5 11 to read as follows:  
5 12 2. ~~Notwithstanding section 147.82, to~~ To collect and  
5 13 receive all fees.  
5 14 Sec. 9. Section 152.3, subsection 3, Code 2005, is amended

5 15 by striking the subsection.  
5 16 Sec. 10. Section 152B.6, subsection 2, Code 2005, is  
5 17 amended to read as follows:  
5 18 2. The establishment of a system for the licensure of  
5 19 respiratory care practitioners and the establishment and  
5 20 collection of licensure fees. ~~The fees charged shall be~~  
~~5 21 sufficient to defray the costs of administration of this~~  
~~5 22 chapter and all fees collected shall be deposited with the~~  
~~5 23 treasurer of state who shall deposit them in the general fund~~  
~~5 24 of the state.~~

5 25 Sec. 11. Section 152D.5, subsection 4, Code 2005, is  
5 26 amended to read as follows:

5 27 4. Establish a system for the collection of licensure  
5 28 fees. ~~The fees charged shall be sufficient to defray the~~  
~~5 29 costs of administering this chapter and all fees collected~~  
~~5 30 shall be deposited with the treasurer of state who shall~~  
~~5 31 deposit them in the general fund of the state.~~

5 32 Sec. 12. Section 154E.2, subsection 3, Code Supplement  
5 33 2005, is amended by striking the subsection.

5 34 Sec. 13. Sections 154A.22 and 155.6, Code Supplement 2005,  
5 35 are repealed.

6 1 Sec. 14. EXAMINING BOARDS == BUREAU OF PROFESSIONAL  
6 2 LICENSURE == BUREAU OF RADIOLOGICAL HEALTH == NONREVERSION OF  
6 3 FUNDS. Notwithstanding any provision to the contrary, and  
6 4 notwithstanding section 8.33, moneys appropriated for the  
6 5 fiscal year beginning July 1, 2006, and ending June 30, 2007,  
6 6 to an examining board listed in section 147.80, to the bureau  
6 7 of professional licensure, and to the bureau of radiological  
6 8 health that remain unencumbered or unobligated at the close of  
6 9 the fiscal year and repayment receipts and fees authorized to  
6 10 be retained by an examining board listed in section 147.80,  
6 11 the bureau of professional licensure, and the bureau of  
6 12 radiological health, for the fiscal year beginning July 1,  
6 13 2006, and ending June 30, 2007, shall not revert but shall  
6 14 remain available for expenditure for the purposes designated  
6 15 until the close of the succeeding fiscal year.

6 16 Sec. 15. EFFECTIVE DATES. The section of this Act  
6 17 providing for the nontransferability of registration fees  
6 18 appropriated in section 144.13A for primary and secondary  
6 19 child abuse prevention programs and for the center for  
6 20 congenital and inherited disorders central registry, being  
6 21 deemed of immediate importance, takes effect upon enactment.

6 22 The sections of this Act relating to the addition of the  
6 23 hearing aid dispenser examiners and the nursing home  
6 24 administrators examiners to the list of examining boards in  
6 25 section 147.13, adding those professions to the list of  
6 26 examining boards contained in section 147.80, and providing  
6 27 for nonreversion of certain appropriations made for, and  
6 28 repayment receipts, and retained fees applicable to, the  
6 29 fiscal year beginning July 1, 2006, take effect July 1, 2006.  
6 30 The remaining sections of this Act take effect July 1, 2007.

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6 35 CHRISTOPHER C. RANTS  
Speaker of the House

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7 5 JEFFREY M. LAMBERTI  
President of the Senate

7 7 I hereby certify that this bill originated in the House and  
7 8 is known as House File 2748, Eighty-first General Assembly.

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7 12 \_\_\_\_\_  
7 13 MARGARET THOMSON  
Chief Clerk of the House

7 14 Approved \_\_\_\_\_, 2006

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7 18 THOMAS J. VILSACK  
7 19 Governor